

REMARKS

This is in response to the Office Actions that were mailed on May 30 and September 25, 2006. Entry of this Request for Reconsideration, in order to place the application into condition for allowance or into better condition for appeal, is earnestly solicited. Claims 1 and 5-7 remain pending in the application.

Claims 1, 5, and 6 were rejected under 35 USC § 102 as being anticipated by WO 2004/013076 A1 (Boriack). Office Action, pages 2-3. Claim 7 was rejected under 35 USC § 103 as being unpatentable over Boriack. Office Action, page 4. The cited reference discloses (only) a reaction of phenol, to make an aryl allyl ether. The present claims do not include phenol reactants. Applicants respectfully submit that – for reasons discussed at length in the Amendment filed August 28, 2006 – the claims herein in their present form are neither anticipated by nor obvious from the Boriack disclosure.

The rejection as stated by the Examiner is based on the premise that “the claims recite alcohols, and phenol is clearly an alcohol”. This is manifestly not in accordance with scientific principles. Phenols and alcohols are two completely different types of chemical.

It is axiomatic in U.S. patent practice that an applicant may be his own lexicographer. In the present case, Applicants have made it crystal clear that their use of the term “alcohols” does not include phenols. Referring to Formula (2), Applicants indicate that embodiments thereof “include, for example, primary alcohols, secondary alcohols, tertiary alcohols, and phenols”. Specification, paragraph bridging pages 15-16. As defined by Applicants (in accordance with

general scientific principles), “phenols” constitute a category separate from “alcohols”. In other words, the term “alcohols” in the present application does not include “phenols”. Thus, no person skilled in the art would construe the claim 1 recitation that “the compound represented by Formula (2) is one selected from the group consisting of alcohols, thiol compounds, carboxylic acids, and thiocarboxylic acids” as meaning that Formula (2) as it now appears in the claims includes phenols along with alcohols, thiols, etc.

The Examiner has cited a passage from the Condensed Chemical Dictionary as allegedly establishing that phenols are alcohols. The dictionary listing in question is neither detailed nor authoritative enough to overrule the weight of evidence provided by eminent teachers of chemistry, such as Professor Cason, cited previously, and Professors Morrison and Boyd, cited herewith. Morrison & Boyd explicitly state that

Compounds in which the hydroxyl group is attached directly to an aromatic ring are not alcohols; they are *phenols*, and differ so markedly from the alcohols that we shall consider them in a separate chapter.

Morrison & Boyd, p. 634, underscoring supplied.

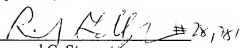
Clearly, the position expostulated by the Examiner in maintaining the rejection of record is at variance both with scientific principles (which teach that phenols are not alcohols) and with patent law (which permits Applicants here to define alcohols as not including phenols). The rejection of record is not sustainable.

If there are any questions concerning this application, the Examiner is invited to contact Richard Gallagher, Registration No. 28,781, at (703) 205-8008.

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Respectfully submitted,

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